

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO: )

Suits Identified in Docket 898 )  
)

**NOTICE OF FILING**

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC (collectively "Tennessee Defendants") give notice to the Court and to all parties that the Affidavit of Chris Tardio, counsel for the Tennessee Defendants, is being filed contemporaneously with this notice. The affidavit should be read in conjunction with the previously-filed Affidavit of Chris Tardio, filed at Dkt. 898 as support for the Tennessee Defendants' Memorandum of Law in Support of Motion to Dismiss Plaintiffs' Complaints Against Tennessee Health Care Providers for Failure to Comply with Tenn. Code Ann. § 29-26-121.<sup>1</sup>

This affidavit is filed (1) to address questions raised by certain Plaintiffs as to the facts asserted in the affidavit at Dkt. 898 and, (2) admittedly, to correct errors in the first affidavit.

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<sup>1</sup> [Dkt. 898, Exhibit C].

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris Tardio

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Defendants***

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 18th day of February, 2014.

/s/ Chris Tardio

**Chris Tardio**